
By: **Delegates Jones, Gaines, Madaleno, and Proctor**
Introduced and read first time: January 30, 2003
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Grievance Procedures - Employees Covered by Collective**
3 **Bargaining Agreements**

4 FOR the purpose of allowing certain employees subject to certain collective
5 bargaining agreements to use a certain grievance procedure if a certain
6 representative provides written authorization; requiring certain employees to
7 elect which grievance procedure to use; and generally relating to grievance
8 procedures for employees covered by collective bargaining agreements.

9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 12-102 and 12-103
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Personnel and Pensions**

17 12-102.

18 (a) Except as otherwise provided by law, this title applies to all employees in
19 the State Personnel Management System within the Executive Branch.

20 (b) This title does not apply to:

21 (1) an employee who is appointed by the Governor whose appointment
22 requires the Governor's approval;

23 (2) an employee in the executive service of the State Personnel
24 Management System;

25 (3) a temporary employee;

1 (4) an attorney in the Office of the Attorney General or the Office of the
2 Public Defender;

3 (5) a State Police officer;

4 (6) an employee who is subject to a collective bargaining agreement that
5 contains another grievance procedure, **UNLESS AUTHORIZED IN WRITING BY THE**
6 **EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEE'S BARGAINING UNIT;**

7 (7) an employee, including a member of a faculty, who is subject to a
8 contract or regulation governing teacher tenure;

9 (8) a member of the faculty, an officer, or an administrative employee of
10 Baltimore City Community College;

11 (9) a student employee;

12 (10) an individual who, as an inmate or patient in an institution, is
13 employed by the State; or

14 (11) an administrative law judge in the Office of Administrative Hearings.
15 12-103.

16 (a) An employee with a grievance or the grievant's representative may present
17 the grievance free from coercion, discrimination, interference, reprisal, or restraint.

18 (b) Unless another procedure is provided for by this article, the grievance
19 procedure is the exclusive remedy through which a nontemporary employee in the
20 State Personnel Management System may seek an administrative remedy for
21 violations of the provisions of this article.

22 (C) **AN EMPLOYEE DESCRIBED UNDER § 12-102(B)(6) OF THIS SUBTITLE MUST**
23 **ELECT TO EITHER PURSUE A GRIEVANCE UNDER THIS TITLE OR THE GRIEVANCE**
24 **PROCEDURE IN THE COLLECTIVE BARGAINING AGREEMENT.**

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take
26 effect October 1, 2003.